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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,315	09/23/2003	Takashi Yamamoto	03500.017622.	9264

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EXAMINER	
PARRA, OMAR S	
ART UNIT	**PAPER NUMBER**
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/667,315	YAMAMOTO ET AL.	
	Examiner	Art Unit	
	Omar Parra	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *03/29/2005; 07/06/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgement is made of applicant's claim of priority over application 2002-29474744 filed on October 8th, 2002 in Japan.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **1-8, 10-11 and 14-16** are rejected under 35 U.S.C. 102(e) as being anticipated by Murase et al. (hereinafter 'Murase', Pub. No. 2004/0083301).

Regarding claims 1 and 16, Murase teaches a receiving apparatus **(Client terminals 3, Fig. 1)** comprising:

reception means which receives plural contents data via a network **(A step of receiving content at the receiver is mentioned, therefore receiving means are inherent [0016]; [0110]-[0112]);**

contents processing means which processes the contents data received by the reception means to generate video data **(Decompression processing is performed at the client, therefore, processing means are inherent, [0016], [0114])**;

output means which outputs the video data to a display apparatus **(Display on clients 3, Fig. 1 or given that a display step is mentioned, there's output means, [0115]- [0122])** and

control means which estimates a time until each of the plural contents data becomes audio visually enjoyable and controls the output means so as to output information on the estimated time in association with the corresponding plural contents data **(After decompressing the content, audio and video, it is ready for reproduction, but a time is calculated –buffering time- for the decompressed video to go to the buffer for display of the plural content data, [0097]-[0099])**.

Regarding claim 2, Murase teaches a receiving apparatus wherein the control means detects at least one of a first time required for a procedure for connecting to a distribution source of the contents data and a second time required for receiving a predetermined amount of the contents data, and controls the output means so as to output information on at least one of the first time and the second time or a total time of the first time and the second time **(Connection time t(n)-sending and receiving time, and decompressing time c(n) is established or detected, to calculate the buffering time for the consecutive display of the content, [0062]-[0079], [0088], [0097]-**

[0099]. Video is displayed when the buffering time –which is the calculated with the estimation of the times explained before, expires).

Regarding claim 3, Murase teaches a receiving apparatus wherein the control means compares the detected times with a predetermined threshold value and controls the output means so as to display a result of the comparison **(For the next stream, the connection time and the processing time have to be less than the previous displaying time -[0066]; [0090], and for that reason, the buffering time is used as a threshold to check if the reception and processing has been performed, [0097]-[0099]. If it was, normal display of a/v content follows; while an error is detected if the opposite happens, [0118])**.

Regarding claim 4, Murase teaches a receiving apparatus wherein the control means compares the detected time with plural threshold values, which are different from each other **(Given that the buffering time is calculated iteratively for every stream, their values change due to different factors, and therefore different values of buffering times are used to compare, [0102])**.

Regarding claim 5, Murase teaches a receiving apparatus wherein the control means controls the reception means so as to sequentially execute processing for connection to a distribution destination of the respective contents data and detects the first time and the second time based upon the processing for connection **(Given that a**

buffering time is iteratively calculated for consecutive streams, connection and processing times are estimated sequentially, [0062]-[0079], [0088], [0097]-[0099] [0102]).

Regarding claims 6, 7 and 14, Murase teaches a receiving apparatus wherein the control means judges that reception is impossible in the case in which a time required for a procedure for connection to a distribution destination of the contents data has exceeded a predetermined time, and controls the output means to display information indicating to that effect **(It is inherent, that if no data is decompressed or received, no video will be displayed. Therefore, if the buffering time is exceeded and if the previous displayed time is over, no video will be shown as an indication of the error, [0118])**.

Regarding claims 8 and 10, Murase teaches a receiving apparatus wherein the reception means is capable of receiving N pieces of the contents data in parallel with each other, and the control means detects the time for the N pieces of the contents data in parallel with each other, which are received by the reception means in parallel with each other among the plural contents data **[0041]**.

Regarding claim 11, Murase teaches a receiving apparatus wherein the control means executes estimation processing of the time again according to an instruction to stop reception of selected contents data **([0126]-[0127])**.

Regarding claim 15, Murase teaches a receiving apparatus wherein the time is estimated based upon a transfer rate of detected data **(For calculating the buffering time the transfer rate of the content is considered also, [0081], [0089]-[0091], [0102]-[0103]).**

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims **9, 12 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Murase et al. (hereinafter 'Murase', Pub. No. 2004/0083301) in view of Harrow et al. (hereinafter 'Harrow', Pub. No. 20003/0009587).

Regarding claims 9, 12 and 13, Murase teaches all the limitations of the claim it depends on. Murase also teaches the control means to control the output means so as to display the video data. On the other hand, Murase does not explicitly teach changing an order of display of program names based on a length of the detected time.

However, in an analogous art, Harrow teaches an apparatus for video transmission between clients (Peer-to-Peer communication), where a list of available

content is stored at a directory server ([0027], [0033], [0035]. When content is selected, the server finds which clients are the nearest sources –the sources that will let clients to wait the list amount of time for being ready to play- based in response time, physical distance, congestion of the network, etc, and sorts the resulting list having the nearest clients on top ([0033], [0045]-[0046], [0094]-[0095]). Harrow also teaches that the clients could be large servers ([0056]). In addition to this described process, Harrow teaches that finding the nearest sources could be implemented on the client ([0057]), which would let a client (computer, PDA, server, etc) have a listing of the nearest sources ordered from nearest to further sources.

Therefore, it would have been obvious for an ordinary skilled in the art at the time of the invention to have modified Murase's invention with Harrow's teaching of transferring video files between clients with programs running at the client to identify the closest clients with desired content for the benefit of avoiding server saturation due to multiple client connections and requests by transferring processing to the client and for reducing the response time by knowing the nearest content source.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Parra whose telephone number is 571-270-1449. The examiner can normally be reached on Under Academy Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OP

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